

REMARKS

Claims 37-42 and 48-58 are pending. Applicant has added claims 53-58 and amended claims 37, 48, and 49.

In a non-final Office Action mailed on September 27, 2007, the Examiner rejected claims 37-42 and 48-52 under 35 U.S.C. § 103(a) over a combination of Oliver (U.S. Patent No. 6,480,885) and Trudeau (U.S. Patent No. 5,987,401).

A. Oliver

Oliver describes a technique for filtering subscribers of a mailing list into personalized subsets of the mailing list. (3:8-32.) When a user sends an email to a mailing list, Oliver describes that a server receives the email and determines which subscribers within the mailing list are to receive the email, by comparing the user's profile data against the acceptance criteria of each subscriber. (*Id.*) A user's profile includes both a base user profile (e.g., name, address, email address, age, occupation) and a subscription user profile that contains information specific to the particular mailing list. (7:29-38.) As part of the subscription process, a subscriber specifies acceptance criteria data that may be specific to a mailing list. The subscribers' acceptance criteria data is used to control with whom and about what topics the subscribers interact. (5:24-26 and 7:15-38.) For example, a user may subscribe to a financial investment mailing list specifying that he only wishes to receive email about international mutual funds from other men of age 40-50 within 3 miles of his office. (10:43-59.) Also, as part of the subscription process, a subscriber may specify a language preference for translation between languages within a mailing list. (17:28-39.) Oliver explains that "[a]t email distribution time, the email server uses an external language translation process to determine the message's language, [and] [f]or each user whose language preference doesn't match that language, the message is translated before being sent." (*Id.*)

Oliver explains that only subscribers of a mailing list may send email to the mailing list. (9:18-46, 10:28-41, and 13:43-54.) However, a user, referred to as a transient subscriber," may subscribe to a mailing list at the time the user sends a first email to the mailing list, by sending user profile data with the first email. (*Id.*) Oliver explains that replies to a transient subscriber's email back to the mailing list will reach the transient subscriber, but other messages to the mailing list will not. (*Id.*)

B. Trudeau

Trudeau describes a technique for participating in a chat room in which the conversation language of the chat room is different from a user's language. (2:9-39; 10:23-27.) When the conversation language (e.g., Spanish) is not the same as the user's language (e.g., English), outgoing messages from the user are translated to the conversation language prior to being sent. (2:18-21; 10:36-42.) Likewise, incoming messages received in the conversation language, are translated to the user's language. (2:35-38.) Trudeau explains that when a user initially logs onto a chat group, the user uses the "chat language selector" to select the chat language and uses the "user language selector" to select the user's language. (11:21-24; Figure 8A-8D.) According to Trudeau, when the language being utilized by the chat group is Spanish, the user selects Spanish as the chat language. (11:24-26; Figure 8A.) Then, when an incoming message is received in Spanish, it is translated into the user's language (e.g., English). (*Id.*; Figures 8C and 8D.) Similarly, outgoing messages are translated into the conversation language (e.g., Spanish). (*Id.*; Figures 8A and 8B.)

C. Applicants' technology

In one embodiment, applicants' technology translates instant messages exchanged between a first user using a first device and a second user using a second device. For example, as illustrated in Figures 5A and 5B of applicants' specification, applicants' technology translates instant messages exchanged between a user of device 200 having a first translation preference 214 (e.g., Swahili) and a user of device 202 having a second

language preference 216 (e.g., English). During initiation of an instant messaging session, device 200 sends an indication of first translation preference 214 to device 202 and receives from device 202 an indication of second translation preference 216. When the user of device 200 composes a message, device 200 translates the message from first translation preference 214 to second translation preference 216 and transmits the translated message to device 202. Because device 200 translates the message before transmitting it to device 202, the second user receives the message in second translation preference 216.

In another embodiment, applicants' technology allows a first device to translate messages from a translation preference of a second user to the translation preference of a first user, and vice versa. Because the first device performs the translation in both directions (i.e., to and from the translation preference of the second user), the second user can use a device that does not perform any translations and thus does not need to be as computationally powerful as a device that performs translations.

In another embodiment, applicants' technology translates messages based on "geographic information" of a user's profile. Because the geographic information is used, a user does not have to specify an explicit translation preference.

D. Claims 37-42

Claims 37-42 recite "during initiation of an instant messaging session..., sending by the first device to the second device session an indication of the first translation preference [and] receiving by the first device from the second device an indication of the second translation preference."

As acknowledged by the Examiner, Oliver discloses nothing that identically corresponds to the recited first device that "transmits to [a] second device an indication of the first translation preference [and]...receives from the second device an indication of the second translation preference." To cure this deficiency, the Examiner suggests that

Trudeau's discussion at 3:66-4:52 and 10:1-50 discloses "receiving by the first device from the second device during the established session an indication of the second translation preference." Applicants respectfully disagree. In these sections, Trudeau describes a chat room in which the conversation language is Spanish. Trudeau explains that "certain members are conversing directly in Spanish and others are conversing in English by way of [Trudeau's] translation technique." (4:23-25.) Using Trudeau's technique, "the English-speaking individual would type in an English message, and the message would be translated from English to Spanish and then sent." (4:13-20; emphasis added.) Likewise, "[w]hen the Spanish-speaking individual types in and sends a Spanish message, the Spanish message would be received by the English-speaking individual and then translated." (*Id.*, emphasis added.) In other words, with Trudeau's technique, only the individuals that do not speak the conversation language require a translator to translate to and from the conversation language.

The Examiner concludes that "each device knows the other language because if the conference language is Spanish and the user language is English, then for an outgoing message, the appropriate language translator selected would be an English-to-Spanish translator." (Office Action, p. 4.) The Examiner is mistaken. The Examiner appears to suggest that a chat room having a conversation language different from the user's language corresponds to an indication of a second translation preference. Even assuming this correspondence, an indication of the conversation language is never "receiv[ed] from a second device" as recited by the claims. Clearly the chat room does not correspond to the second device, nor is an indication of a second translation preference received from the chat room. Because a user that does not speak the conversation language has a translator for translating to and from the conversation language, there is no need for other users to know the translation preference of that user, and thus no need for an exchange of translation preferences. Moreover, receiving a message in the conversation language cannot correspond to an indication of the sender's translation preference because the message could have been translated from the user's language into the conversation

language prior to being sent. Accordingly, claims 37-42 and 48-52 are patentable over the combination of Oliver and Trudeau.

E. Claims 48-52

These claims now recite a component of the first device “that translates the first message from the first translation preference to the second translation preference received during the establishment of the instant messaging session” and “that translates the second message from the second translation preference to the first translation preference.” Neither Oliver nor Trudeau teaches or suggests that a first device receives a translation preference of another device and translates messages from the translation preference of the first device to the translation preference of the other device and from the translation preference of the other device to the translation preference of the first device.

F. Claims 53-58

These claims recite the receiving of first and second profile information that includes “geographic information” for a first and second user and translating messages based on the geographic information of the profile information. Neither Oliver nor Trudeau teaches or suggests that messages are translated based on the geographic information of profile information.

Based upon the above amendments and remarks, applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any questions, or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8077.

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